

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

United States of America,
Plaintiff

v.

Case No: 21-CR-00508-003 (RPK)

Michael Perri,
Defendant

MOTION FOR A REDUCTION IN SENTENCE
Pursuant to 18 U.S.C. Sec. 3582(c)(2)

Now Comes, Defendant Michael Perri -- Pro Se, and moves this Honorable Court with a Motion for Sentence Reduction pursuant to Title 18 U.S.C. Sec. 3582(c)(2) and based on the recent passage (with retroactivity) of the United States Sentencing Commissions Amendment 821 -- Part B.

I. JURISDICTION, VENUE, PROCEDURAL POSTURE:

1. Mr. Perri was sentenced in this Court before the Honorable Judge Kovner on May 18, 2023 making this Court the proper jurisdiction and venue for this Motion.
2. Title 18 U.S.C. Sec. 3582(c)(2) which covers "Modification of an imposed term of imprisonment," states; "in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. Sec. 994(o), upon motion of the defendant or the Director of the Bureau of Prisons, or on its own motion, the court may reduce the term of imprisonment, after considering the factors set forth in section 3553(a) to the extent that they are applicable, if such a reduction is consistent with applicable policy statements issued by the Sentencing Commission."
3. The United States Sentencing Commissions recent passage of Amendment 821 has been approved to be applied retroactively to eligible persons.
4. Mr. Perri contends, due to his unique individual circumstances, he should be eligible for a reduction in sentence pursuant to Amendment 821 (Part B) as a Zero Point Offender who meets all criteria.

II. BACKGROUND:

5. Mr. Perri was convicted of 18 U.S.C. Sec. 371; conspiracy to defraud the US by violating the Travel Act.
6. His total score was calculated as a Level 24 with a Criminal History of I which list a sentence range of 51-63 months.
7. He was given a 3 point reduction pursuant to USSG 3E1.1(a) and (b) to level 21, which list a sentence range of 37-46 months.
8. He was grateful for his below guidelines sentence, which is 33 months imprisonment with 2 years of supervised release.
9. Mr. Perri has served approximately 25% of his statutory term.

III. CIRCUMSTANCES WARRANTING REDUCTION IN SENTENCE:

10. CRIMINAL HISTORY SCORE:

Mr. Perri contends he was sentenced at a higher level on the Sentencing Guidelines than he would have been post Amendment 821. The USSG Amendment 821 allows a court to retroactively reduce a sentence if an offender meets certain criteria and is a Zero Point offender. Mr. Perri meets the criteria to be eligible for the retroactive reduction in sentence.

Pursuant to Amendment 821 the USSG would now place Mr. Perri at level 22, with a recommended range of 41-51 months. With the 3 level reduction he received for acceptance of responsibility under 3E1.1(a) and (b) this would now place him at level 19, in the USSG range of 30-37 months. Mr. Perri's sentence is currently 3 months higher than the bottom end of the new adjusted guidelines range. Due to the unique individual circumstances present in his case and in accordance with USSG 1B1.10, Mr. Perri request this Court consider his Motion for a reduction in sentence.

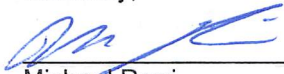
11. EXTRAORDINARY REHABILITATIVE EFFORTS WARRANTING CONSIDERATION (Sec. 3553(a) Factors):

Since his incarceration Mr. Perri has taken his transformation seriously. He has maintained close contacts with his family, attends religious services weekly, takes a plethora of courses and programs and maintains gainful prison employment. He has an immaculate prison disciplinary record. Mr. Perri is the facilities "town driver," which is a trust position. This position has him driving into the community unsupervised daily to preform chores for the facility. A court may consider post sentencing conduct not present at the original sentencing when resentencing an individual (1B1.10, Footnote: (B)(iii)). Mr. Perri's status as a first time offender, his acceptance of responsibility and remorse, in addition to his extraordinary effort at rehabilitation should be considered relevant when reconsidering factors set forth under 18 U.S.C. Sec. 3553(a). Additionally, Mr. Perri is currently housed in Minimum Security prison camp with outside clearance and is classified as the lowest security/recidivism level; therefore, he is not a threat to the public.

V. CONCLUSION:

12. WHEREFORE, the defendant, Michael Perri, Pro Se, respectfully request this Honorable Court GRANT his Motion for a Reduction in Sentence and resentence him in accordance with Amendment 821 or any other relief this Court deems necessary and appropriate.

Sincerely,



Michael Perri
Reg No. 67623-509
USP Lewisburg Camp
PO BOX 1000
Lewisburg, PA 17837

2/4/24
DATE

Inmate Name: Michael Perri

Register Number: 67623-509

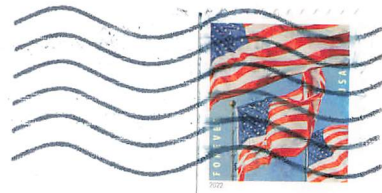
United States Penitentiary

P.O. Box 1000

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HARRISBURG PA 171

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U.S. District Court

attn: Hon. Judge Kovner

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